IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7809 OF 2005

Mr. Avinash Dattatraya Ottal ...Petitioner
vs.
Mr. Nivrutti Balaji Davkhare ....Respondents

S.A. Dhamale for the petitioner.

S.R. Page for the respondents.

CORAM: S.U. KAMDAR, J.

DATE : 19th November, 2005.

P.C. :

1. By consent of the parties the following order is passed :

2. The petitioner is being given leave to defend the suit which is pending before the Civil Judge, Senior Division, Pune on a condition to deposit a sum of Rs.6 lacs within a period of four weeks

from today.

3. In an event of failure to deposit the respondent/plaintiff will be entitled to apply for decree for non-deposit.

4. In an event if the amount is so deposited the Civil Judge Senior Division, Pune is directed to place the amount in a fixed deposit in any nationalised bank for a period of one year and renew thereafter if the occasion so arises. It has been further directed that the petitioner defendant shall file written statement within a period of three weeks from the date of deposit of the amount as directed by the court and the Civil Judge Senior Division, Pune will hear and try the suit expeditiously and in an event complete and dispose off the said suit on or before 31.12.2006. In view of the aforesaid order passed the impugned order is set aside and substituted by this order. Petition is disposed off accordingly. No order as to costs.

sd/-

(JUDGE)